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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,457	07/20/2001	Shozo Imanishi	M2057-83	1740
7278	7590	02/28/2003	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			SELF, SHELLEY M	
		ART UNIT	PAPER NUMBER	
		3725		
DATE MAILED: 02/28/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/910,457	IMANISHI, SHOZO
	Examiner	Art Unit
	Shelley Self	3725

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 January 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-12, 16 and 17 is/are rejected.
- 7) Claim(s) 13, 14, 15 and 18 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Amendment***

The amendment filed on January 10, 2003 under 37 CFR 1.131 has been considered but is ineffective to overcome the prior art reference.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In general the claims are a catalogue recitation of elements that fail to positively recite the critical interrelationship of the elements. For example, it is unclear how the slide, crankshaft and connecting rods (clm. 1) are related together and to the press machine. With regard to claim 7, it is unclear what "the same location" refers. It is also unclear how the slide, driving means, upper link, connecting rods and crankshaft are related together and to the press machine. All of the claims should be reviewed for proper interrelationships.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-5, and 7-9, as best as can be understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Imanishi (5,848,568). Imanishi discloses a slide drive device for a press machine comprising a slide (3) having top and bottom dead center position (col. 5, lines 9, 10), an adjusting means for adjustment of a stroke (col. 4, lines 64-67 & col. 5, lines 1-6), adjusting means simultaneously adjusting top and bottom dead center positions (col. 5, lines 7-17), an adjusting means located at the same location on the press, driving means (8, 9, 12, 13, 21) transmitting a driving displacement to a first link, a first upper link (21) being connected to drive a slide in a cycle, a dynamically balancing means , a dynamic balancer (40) operably connected to a slide (3), a guiding means (7), a first horizontal link (45) operably connected to a slide (3), a crankshaft (12), a connecting rod (13) a first and second slider (14, 15), a first and second linear guide (4, 5). Imanishi does not disclose a second connection rod. It would have been obvious to one having ordinary skill in the art at the time of the invention include a plurality of connection rod(s) since it has been held that mere duplication of an essential working part(s) of a device involves only routine skill in the art.

With regard to claim 6, as best as can be understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Imanishi (5,848,568) discloses a first upper link (21) having a length, a first middle link (47) having a length, a fulcrum pin (33) on a first middle link a third link (23) having a length. Imanishi does not disclose the relationship between the link lengths to be:

$$(a):(b)=(b):(c)$$

As to the relationship of the link lengths, at the time the invention was made, it would have been an obvious design modification to a person of ordinary skill in the art to have constructed to the

links to have a length relationship of (a):(b)=(b):(c) because Applicant has not disclosed that such relationship provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with links of equal and equal lengths as long as linear motion was transmitted to move the slide within the press vertically.

Claims 10-12, 16 and 17, as best as can be understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Imanishi (5,848,568) in view of Yoshida (6,148,720). Imanishi disclose the use of a crankshaft having an eccentric portion (col. 4, lines 14-15). Imanishi does not disclose the use of a crankshaft having multiple eccentric portions. Yoshida teaches the use of a crankshaft having multiple eccentric portions (col. 1, lines 43-47) so as to change/adjust the slide in up and down positions. Because both references are from similar arts and deal with a similar problem (i.e. transmitting rotational movement to linear movement to vertically displace a press slide) it would have been obvious at the time of the invention to one having ordinary skill in the art to replace Imanishi's eccentric crankshaft with a crankshaft having two eccentric portions so as to move the slide vertically in a press.

With regard to claim 11, as best as can be understood Imanishi discloses a connection rod having small and large ends (col. 3, lines 64-67), wherein the large end is connected to one eccentric part of the crankshaft (col. 4, line 13-15), a small end attached to a driving means (col. 4, lines 10-12) whereby driving displacement is transmitted to a slide.

With regard to claim 12, as best as can be understood Imanishi discloses a first upper link (21) having a length, a first middle link (47) having a length, a fulcrum pins (31, 33, 56) on a

first middle link a third link (23) having a length. As noted above (para. 13), the link dimensions/relationship are clearly a matter of ordinary design consideration.

With regard to claim 16, as best as can be understood, Imanishi discloses a crankshaft (12) having a first eccentric (col. 4, lines 14-15), a connecting rod (13) operably joined to an eccentric part (col. 4, lines 14-16), first, second upper links (21, 21'), fulcrum pins (31, 33), middle link (47), operably joined to a first upper link (21) via a pin (33) and middle link and upper link operably effecting transfer of driving displacement to a slide in a cycle (col. 4, lines 64-67 & col. 5, lines 1-6). Imanishi does not disclose the use of a crankshaft having first and second eccentric portions. Yoshida teaches the use of a crankshaft having multiple eccentric portions (col. 1, lines 43-47) so as to change/adjust the slide in up and down positions.

Additionally, Imanishi does not disclose a connection rod having a length (a), fulcrum point having a length (c) from a second end and a fulcrum point having a length (b) from a first end whereby the lengths are related by:

$$(a):(b)=(b):(c)$$

Because both references are from similar arts and deal with a similar problem (i.e. transmitting rotational movement to linear movement to vertically displace a press slide) it would have been obvious at the time of the invention to one having ordinary skill in the art to replace Imanishi's eccentric crankshaft with a crankshaft having two eccentric portions so as to move the slide vertically in a press. As to the connection rod and fulcrum point lengths, as noted above (para. 13), the link dimensions are clearly a matter of ordinary design consideration.

With regard to claim 17, as best as can be understood, Imanishi discloses slide drive device for a press machine comprising a slide (3) having top and bottom dead center position

(col. 5, lines 9, 10), an adjusting means for adjustment of a stroke (col. 4, lines 64-67 & col. 5, lines 1-6), adjusting means simultaneously adjusting top and bottom dead center positions (col. 5, lines 7-17), a adjusting means located at the same location on the press, at least one of a first and second horizontal link (45) having a first and second end for receiving driving displacement at a second end and adjustment at a first end whereby the slide is adjusted and driven in a cycle (col. 4, lines 47-67 & col. 5, lines 1-24).

Allowable Subject Matter

Claims 13, 14, 15 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if the 35 U.S.C. 112 rejection were overcome.

Response to Arguments

Applicant's arguments filed have been carefully considered but they are not found persuasive. Applicant arguments that the addition of a second connecting rod and hence a more complex device distinguishes over the prior art, Imanishi. This argument is not found persuasive because the invention as claimed simply consists of two connecting rods, and simple duplication of components of a device does not warrant patentability. The argument that "*the addition of a second connecting rod increases the complexity of the device...*" is not non-obvious. Consequently, the claimed invention does not clearly distinguish over the prior art, Imanishi.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (703) 305-5299. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Allen Ostrager can be reached at (703) 308-3136. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SSelf
February 24, 2003


ALLEN OSTRAGER
SUPERVISORY PATENT EXAMINER
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